

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SHAWN DANIELS,

Plaintiff,

v.

SUPERINTENDENT KAUFFMAN, *et al.*,

Defendants.

No. 3:18-CV-2199

(Judge Brann)

**ORDER**

**MAY 15, 2020**

In accordance with the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that:

1. Defendants' motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure is **GRANTED**. (Doc. 62). Plaintiff's Amended Complaint is **DISMISSED**, in its entirety, with prejudice.
2. In accordance with the Court's prior Memorandum and Order, the dismissal of Plaintiff's First Amendment right to communicate claim, set forth in his original complaint, is CONVERTED to a dismissal with prejudice based on Plaintiff's failure to amend the claim. (Doc. 57, pp. 6, 7, 15, 16, ¶¶ 5,7).
3. The Clerk of Court is directed to **CLOSE** this case.

4. Any appeal from this Order is deemed frivolous and not in good faith.

*See* 28 U.S.C. § 1915(a)(3).

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann

United States District Judge